

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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PAUL E. WALKER,

Plaintiff,

v.

Case No. 20-11408

M.D. CARVAJAL, WILLIAM BARR,  
JONATHAN HEMINGWAY, and,  
DANIEL CLORE,

Defendants.

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**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO WITHDRAW  
COMPANION CASE**

Plaintiff Paul E. Walker, presently confined at the Federal Correctional Institution in Milan, Michigan, filed a civil rights complaint. (ECF No. 1.) Plaintiff challenges his current confinement, claiming his health is at risk due to the Coronavirus Disease ("COVID-19").

Plaintiff has filed a "Motion to [W]ithdraw/[D]ismiss [C]ompanion [C]ase." (ECF No. 4.) He seeks to dismiss this action on the ground that it is a companion case to *United States v. Walker*, Case No. 19-20552. In that criminal case, the court sentenced Plaintiff on October 29, 2019 to sixteen months imprisonment for violations of supervised release conditions. (ECF No. 13, PageID.78.) For the reasons stated below, the court will grant Plaintiff's motion and dismiss his complaint without prejudice.

Federal Rule of Civil Procedure 41(a) provides that "[a] plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party

serves either an answer or a motion for summary judgment.” *Aamot v. Kassel*, 1 F.3d 441, 443 (6th Cir. 1993) (“Fed. R. Civ. P. 41(a)(1) limits the plaintiff's authority to dismiss his complaint without prejudice and without the permission of either the adverse party or the court to the period of time before the defendant files an answer or a motion for summary judgment.”).

Here, Defendants have not filed an answer; they have not moved for summary judgment. Plaintiff is entitled to dismiss his complaint without prejudice. Fed. R. Civ. P. 41(a)(1). Accordingly,

IT IS ORDERED that Plaintiff’s “Motion to [W]ithdraw/[D]ismiss [C]ompanion [C]ase” (ECF No. 4) is GRANTED. Plaintiff’s complaint (ECF No. 1) is DISMISSED WITHOUT PREJUDICE.

s/Robert H. Cleland /  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: June 30, 2020

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, June 30, 2020, by electronic and/or ordinary mail.

s/Lisa Wagner /  
Case Manager and Deputy Clerk  
(810) 292-6522

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